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Bradford H. Needham
Appl. No. 09/822,925

Remarks

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment, claims 1-6, 8-26, and 27-30 are pending in the application, of which claims 1, 10, 17, and 26 are independent. Claims 1, 9, 10, 17, 22, 24, 26, and 30 are sought to be amended. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Rejection under 35 U.S.C. § 103

The Examiner, on page 2 of the Final Office Action, has rejected claims 1, 2, 4-6, 8-10, 12-17, 19-25, and 30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,296,884 to Honda *et al.* (hereinafter "Honda") in view of U.S. Patent No. 6,396,537 to Squilla *et al.* (hereinafter "Squilla"). Applicant respectfully disagrees. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

With regards to independent claim 1, the Examiner states that Honda substantially discloses Applicant's invention. Applicant respectfully disagrees. Honda does not teach or suggest at least the following elements of claim 1:

a plurality of information tag devices, each of the information tag devices dispersed at various locations of scenes to store identification data for identifying the locations of the scenes;

a database to store annotation provider information for each of the information tag devices;

a communication device to communicate with the database, wherein when identification data is transmitted to the database, a network

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address for an annotation provider associated with the information tag device is transmitted from the database to the communication device; and
a program to be executed by the communication device, the program to enable communication with the annotation provider to obtain an annotation associated with the information tag device and to annotate the digital representation of the scene with the annotation.

Honda does not teach or suggest "a plurality of information tag devices, each of the information tag devices dispersed at various locations of scenes to store identification data for identifying the locations of the scenes. Instead, Honda teaches a built in receiving circuit that contains an antenna for receiving transmitted electric waves from satellites or existing AM or FM radio stations to determine location. *Honda*, col. 4, lines 27-31 and lines 42-44; col. 5, lines 60-66. Thus, unlike the present invention, in which an information tag device stores identification data for identifying the location of the scene, Honda teaches obtaining location information from satellite data or AM and FM radio station data that is used to determine location. *Id.*

Applicant further submits, and the Examiner agrees (see page 3 of the Office Action), that Honda does not teach or suggest "a database to store annotation provider information for each of the information tag devices", "a communication device to communicate with the database, wherein when identification data is transmitted to the database, a network address for an annotation provider associated with the information tag device is transmitted from the database to the communication device" and "a program to be executed by the communication device, the program to enable communication with the annotation provider to obtain an annotation associated with the information tag device and to annotate the digital representation of the scene with the annotation."

The Examiner further states that:

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Squilla et al. teaches a camera 24, an image server 70 that can store a file containing varied interests of the user including URL addresses for different image spots 10 (read as annotation provider information for each of the annotation tag devices) that can be downloaded via the [I]nternet at a later time (col. 5 lines 11-17, col. 6 lines 51 – col. 7 line 19). The URL addresses are for different multimedia data that can be combined with images at a later time (col. 9 lines 4-7) at a central location (server 70) in order to have a convenient way to combine the information handling capability of a camera with image recording so that information can easily be accessed about a photographed item. Therefore it would be inherently taught that a communication device like a server has a program to enable communication with an annotation provider to obtain an annotation associated with the information tag device and to associate the image with the annotation.

Therefore taking the combined teachings of Honda and *Squilla*, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have used a database to store annotation provider information for each of the annotation tag devices, a communication device to communicate with the database, wherein when identification data is transmitted to the database, a network address for annotation provider associated with the information device is transmitted from the database to the communication device, a program to be executed by the communication device, the program enable communication with the annotation provider to obtain an annotation associated with the information tag device and to annotate the digital representation of the scene with the annotation in order to have a convenient way to combine the information handling capability of a camera with image recording so that information can easily be accessed about a photographed item.

Final Office Action, dated July 28, 2005, pp. 3-4.

Applicant respectfully disagrees. *Squilla* does not solve the deficiencies of Honda. With reference to claim 1, *Squilla* does not teach at least the following elements:

a database to store annotation provider information for each of the information tag devices;

a communication device to communicate with the database, wherein when identification data is transmitted to the database, a network address for an annotation provider associated with the information tag device is transmitted from the database to the communication device; and

Squilla does not teach “a database to store annotation provider information for each of the information tag devices.” *Squilla*, therefore, cannot teach a communication

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device to communicate with the database, wherein when identification data is transmitted to the database, a network address for an annotation provider associated with the information tag device is transmitted from the database to the communication device. In fact, Squilla teaches away from these elements because Squilla teaches that the URL of the personality file data may be saved directly in the memory of the image spot or the camera. *Squilla*, col. 5, lines 11-17; col. 6, line 51 – col. 7, line 19. Thus, unlike the present invention which requires identification data from the information tag device to be transmitted to a database in order to obtain the network address for the annotation provider, Squilla teaches obtaining the URL directly from the image spot or camera, thus eliminating the need to communicate with a database to retrieve the network address. Furthermore, the sections of Squilla cited by the Examiner refer to personality file data, not annotation data to be retrieved from an annotation provider.

Thus, neither Honda nor Squilla, alone or in combination, teach or suggest Applicant's invention as recited in claim 1. For at least the reasons stated above, independent claim 1, and the claims that depend therefrom (claims 2-9) are patentable over the cited references of Honda and Squilla. Independent claims 10 and 17 recite similar elements to those of claim 1. Thus, for at least the reasons stated above, independent claims 10 and 17, and the claims that depend therefrom (claims 11-16 and 18-25, respectively), are also patentable over the cited references of Honda and Squilla. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1, 10 and 17, and the claims that depend therefrom.

The Examiner, on page 7 of the Final Office Action, has rejected claims 3, 11, and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,296,884 to

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Honda *et al.* (hereinafter "Honda"), U.S. Patent No. 6,396,537 to Squilla *et al.* (hereinafter "Squilla") and in further view of U.S. Patent No. 6,567,122 to Anderson *et al.* (hereinafter "Anderson"). Applicant respectfully disagrees. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claims 3, 11, and 18 depend from independent claims 1, 10, and 17, respectively, which are patentable over Honda and Squilla for the reasons stated above. Furthermore, Anderson does not teach or suggest the features missing from Honda and Squilla. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claims 3, 11, and 18.

The Examiner, on page 8 of the Final Office Action, has rejected claim 29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,396,537 to Squilla *et al.* (hereinafter "Squilla") in view of U.S. Patent No. 6,567,122 to Anderson *et al.* (hereinafter "Anderson"). Applicant respectfully disagrees. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claim 29 depends from independent claim 26, which is patentable over Squilla for at least the reasons stated below. Furthermore, Anderson does not teach or suggest the features missing from Squilla. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 29.

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Appl. No. 09/822,925***Rejection under 35 U.S.C. § 102***

The Examiner, on page 9 of the Final Office Action, has rejected claims 26 and 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,396,537 to Squilla *et al.* (hereinafter "Squilla"). Applicant respectfully disagrees. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claim 26, Squilla does not teach or suggest "an input/output (I/O) device to transfer data between the memory and a communication device, wherein the communication device transfers the identification data to a database, wherein a network address of an annotation provider associated with the information tag device is stored in the database." As indicated above, Squilla does not teach or suggest a database wherein a network address of an annotation provider associated with the information tag device is stored in the database. For at least these reasons, Applicant respectfully submits that Squilla does not include each and every element of Applicant's claimed invention recited in independent claim 26. Therefore, independent claim 26, and the claims that depend therefrom (claims 28-29), are patentable over Squilla. Reconsideration and withdrawal of this rejection is respectfully requested.

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Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

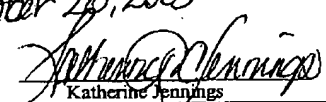
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450	
On: <u>October 28, 2005</u>	
Signature: <u>Katherine Jennings</u>	

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